



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,026	02/02/2000	Katsumi Tahara	450100-2952.2	6986

20999 7590 07/14/2005

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,026

Applicant(s)

TAHARA ET AL.

Examiner

Nhon T. Diep

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004 and 16 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/477,855.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Reissue Applications

1. Claims 1-47 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following: The reply is an unsigned declaration and therefore claims 1-47 are rejected as being based upon an insufficient reissue oath/declaration.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tahara (US 5,743,380) as set forth in the previous Office Action.

Tahara (different inventive entity) discloses the same picture signal transmitting method and apparatus as of the present reissue application (Tahara et al) and therefore

claims 1-47 of Tahara et al are rejected as being clearly anticipated by Tahara since both disclose an identical specification.

With regard to the applicants' arguments that Tahara does not appear to disclose pictures type being included in a data identification area of a digital picture signal. The examiner respectfully disagrees. Tahara, figure 14 and col. 16, ln. 13-24, shows that the coding circuit 108 serves to encode the digital signal as a function of the separated picture type to produce a re-coded digital video signal which includes, for each re-encoded picture, its picture type. It is respectfully submitted that the re-coded digital signal, therefore includes at least picture type (coding information) which can be identified by the decoder 110.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu et al, in view of Puri (US 5,563,593).

Eyuboglu et al discloses an efficient transcoding device comprising the same encoding apparatus for encoding source video data which had previously been encoded at a previous encoding process and had previously been decoded at a previous decoding process (fig. 3), the apparatus comprising means for receiving the source video data (fig. 3, el. 304); means for extracting coding information from the source

Art Unit: 2613

data, wherein the coding information relates to a coding operation of the previous encoding process (fig. 10, output of el. 1002 to el. 1022, 1020 and 1010); and means for encoding the source video data in accordance with the coding information (el. 1010) as specified in claims **28, 29, 30, 31 and 44-47** and means for receiving picture coding type indicating which of I-picture, P-picture or B-picture had been associated with the previous coding process (fig. 10, output of el. 1002: framing inter/intra) as specified in claims **32 and 33**; a decoding apparatus for decoding an encoded bit stream which had been encoded at the previous encoding process, the apparatus comprising means for extracting coding information from the encoded bit stream, wherein the coding information relates to a coding operation of the previous encoding process; means for decoding the encoded bit stream to generate decoded video data in accordance with the coding information (fig. 3, el. 304 and col. 4, ln. 25-33: "achieve the performance of decode"); and means for transmitting the decoded video data and the coding information so that the coding information will be used in a later encoding process for the decoded video data (fig. 10, outputs of el. 1002) **38, 39, 40 and 41** and wherein the picture coding type indicates which of I-picture, P-picture or B-picture had been associated with the previous coding process (fig. 10, output of el. 1002: framing inter/intra) as specified in claims **42 and 43**. It is noted that Eyuboglu et al does not particularly disclose the coding information is included in a data identification area of the source video data as amended to claims 28--33 and 38-47; however, Eyuboglu et al further discloses "State-of-the-art digital video coding systems utilize transform coding for spatial compression and a form of predictive coding known as motion-compensated

Art Unit: 2613

prediction (MCP) for temporal compression. Video compression techniques that have recently been adopted in international standards (e.g., the MPEG standard developed by the International Standards Organization's Motion Picture Experts Group (ISO's MPEG) and ITU-T's H.261), or others that are under consideration for future standards, all employ a so-called block-matching MCP technique.”(col. 1, ln. 41-51). In addition to that, Puri teaches header information is available in the digital coding information as part of the MPEG standard and is can be identified by the decoder and that the header information includes picture type and other information as well (col. 7, ln. 13-37). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that, the coding information if it had not already been part of the digital picture signal and can be identified by the decoder of Eyuboglu et al, then it would have been obvious to one of ordinary skilled in the art at the time the invention was made to include the coding information in a data identification area of the source video data to be identified by the decoder as taught by Puri. Doing so would help to meet the MPEG standard and help to decode video signal properly.

6. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu et al, in view of Puri.

As applied to claim 38 above, it is noted that Eyuboglu et al does not particularly disclose a multiplexer for multiplexing the decoded video data and the coding information to generate multiplexed data; and means for transmitting the multiplexed data so that the coding information will be used in a later encoding process as specified

Art Unit: 2613

in claims 34-37. Eyuboglu et al shows that outputs of the decoder (fig. 10, el. 1002) can be directly fed to adder 1004 and encoder 1010 without the need of multiplexing these outputs and separating them again at later step. As a matter of designer's choice and/or efficiency, it would have been obvious to one of ordinary skilled in the pertinent art at the time the invention was made to either feed both outputs of el 1002 separately or multiplexing them and separating them later.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Wasserman et al (US 5,774,206) discloses a process for controlling an MPEG decoder.


b. Puri (US 5,500,678) discloses an optimized scanning of transform coefficients in video coding.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
7/11/2005



NHON DIEP
PRIMARY EXAMINER